THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.27951 of 2007

Between:

Zartaj Banu. ..
PETITIONER

and

The State of A.P. and another.

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RESPONDENTS

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WRIT PETITION No.27951 of 2007

ORDER:

It is the case of the petitioner that against the notice issued under Section 7 of A.P.Land Encroachment Act, 1905 (for short "the Act") calling upon the petitioner to submit explanation within seven days, as to why she shall not be evicted from the Government land admeasuring 942 sq. yards in T.S.No.17, Ward No.36, Block No.1, correlated to Sy.No.27/P situated at Masab Tank, Hyderabad, the petitioner filed an explanation on 19-12-2007. It is stated that even before explanation is considered and final notice is issued under Section 6 of the Act, the petitioner is sought to be dispossessed from the land in question.

I am of the opinion that without issuing final notice under Section 6 of the Act, which is an appealable order under Section 10 of the Act, the petitioner shall not be dispossessed from the land in question.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, the writ petition is disposed of directing the 2nd respondent to consider the explanation submitted by the petitioner, pursuant to the notice issued under Section 7 of Act on 14-12-2007 through proceedings No.C/447/2004, and pass appropriate final order under Section 6 of the Act. Till the final notice is issued under Section 6 of the Act, the petitioner shall not be dispossessed from the land in question. There shall be no order as to costs.

27-12-2007

Note:
Issue C.C. in three days
(B/o)
Prv